

DEPARTMENT OF SOCIAL SERVICES

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March 6, 1981

ALL-COUNTY INFORMATION NOTICE I- 25-81

- TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL LICENSED ADOPTION AGENCIES  
ALL JUVENILE COURT JUDGES

SUBJECT: AB 2749 IMPLEMENTATION ISSUES

REFERENCE:

The purpose of this letter is to summarize the major provisions of Assembly Bill 2749 (Chapter 1166, Stats. 1980), which became law on January 1, 1981 and to apprise you of certain implementation issues resulting from its passage.

SUMMARY

AB 2749 establishes in state law the conditions of eligibility for the AFDC-BHI Program and changes the program name from AFDC-Boarding Homes and Institutions (BHI) to AFDC-Foster Care (FC). W&IC Sections 11213 and 11214, which were mandated by AB 8 (Chapter 282, Stats. 1979), are amended by AB 2749 merely to reflect this program name change.

AB 2749 results in the following program changes:

1. It changes the requirements for children in foster care in that:
  - a. Funding of "direct court-ordered" or "court-specified" placements will be discontinued June 30, 1982 to ensure that responsibility for placement and care rest with an agency specified by AB 2749.
  - b. Funding of voluntary placements, which offer the child less protections than court-ordered placements, will be limited to six months beginning January 1, 1982.
  - c. Funding of children in unlicensed homes will be prohibited unless the home is approved and exempt from licensure, certified pending licensure or certified as an exclusive-use home.
  - d. The need for care in a group setting rather than a family setting must be documented.

e. Provision is made to ensure that AFDC-FC funded children who live with and are wards of nonrelated legal guardians also receive services.

2. It brings state eligibility requirements more closely in line with federal requirements, thus increasing the probability of receiving federal matching funds in AFDC-FC payments.
3. It provides that a child is not eligible for AFDC-FC unless placement and care responsibility is with an agency specified by the bill.

AB 2749 also provides policy clarification in several areas. It specifies (a) the placement authority needed to establish AFDC-FC eligibility (e.g., court order, voluntary placement agreement, relinquishment, etc.); (b) the types of facilities into which AFDC-FC-funded children may be placed (e.g., licensed or approved family homes or licensed group homes); (c) the services that must be provided to each eligible child (e.g., assessment of child's treatment needs, six-month reassessment, service plan); and (d) the conditions under which youths aged 18-21 may receive AFDC-FC payments.

Finally, AB 2749 requires the Department to provide the Legislature with information on areas where additional policy direction may be needed. Reports are required on legal guardian placements, on placements in certified, license-pending homes, and on entities operating more than one group home.

#### IMPLEMENTATION ISSUES

The State Department of Social Services (SDSS) expects to file regulations implementing AB 2749 with an effective date of July 1, 1981. Hearings to receive public comment on the proposed regulations will be held in Sacramento on Wednesday, March 18, 1981 and in Santa Ana on Friday, March 20, 1981. Explained below are those provisions of AB 2749 of which you should be aware at this time in order to facilitate implementation of the forthcoming regulations.

#### Direct Court-Ordered Placements (also called "Court-Specified Placements")

AB 2749 discontinues AFDC-FC eligibility after June 30, 1982 for those children who are placed directly by the court with "some reputable person of good moral character". This type of order is made pursuant to W&IC Sections 362(1)(a), 362.5(a), 727(1)(a) or Sections 730 and 731 as they refer to 727(1)(a). In order to implement this provision of AB 2749, counties will need to identify all cases which are direct court-ordered to assure that AFDC-FC funding does not continue after June 30, 1982. Additionally, counties may determine it appropriate to make changes which would permit continued AFDC-FC eligibility. Such changes include both obtaining a new court order designating the CWD or probation department as responsible for placement and care of the child and licensing the child's current foster care home or moving the child to a licensed or approved family home or a licensed group home.

### Time Limits on Voluntary Placements

AB 2749 establishes a six-month time limit on AFDC-FC funding for children placed under a voluntary placement agreement. This six-month limit will apply to children placed on or after January 1, 1982. For example, if a child was placed voluntarily with a beginning date of aid of February 5, 1982, he/she may continue to receive AFDC-FC payments through August 4, 1982, provided all other requirements continue to be met.

However, there are two categories of children in voluntary placement for whom this six-month AFDC-FC funding limit does not apply.

1. Children placed under a voluntary placement agreement on or before December 31, 1980 will be "grandfathered in". That is, there is no funding limit on the length of placement and such placements may continue to receive AFDC-FC payments provided all other requirements continue to be met.
2. Children placed under a voluntary placement agreement from January 1, 1981 through December 31, 1981 may continue to receive AFDC-FC payments until June 30, 1982 provided all other requirements continue to be met.

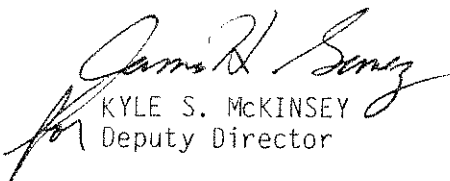
Counties may wish to survey caseloads to separately identify those cases which may be grandfathered, those which may receive AFDC-FC payments through June 30, 1982, and those which may receive payments for six months from the beginning date of aid.

### AFDC-FC Forms Development and Revision

SDSS is in the process of revising forms currently used in AFDC-FC to reflect AB 2749 requirements. Forms to be revised include the CA 2X, CA 350, CA 1002 and the CWD-Probation agreement. The Department is also considering development of three new forms to further implement AB 2749 provisions: 1) a CWD-adoption agency agreement similar to the CWD-probation agreement; 2) a services documentation form which would be completed by the placement staff and retained in the income maintenance case record to document that the AFDC-FC services requirements have been met; and 3) a form to obtain the legal guardian's agreement to cooperate in the provision of services by the CWD.

If you have any questions regarding the above implementation issues or the provisions of AB 2749, please contact your county's AFDC Management Consultant at (916) 445-4458.

Sincerely,

  
KYLE S. MCKINSEY  
Deputy Director